

Comment Form

AGRICULTURAL MARKETING SERVICE

Title: Proposed Rule To Exempt Organic Producers From Assessment by Research and Promotion Programs
 Subject Category: Research and promotion programs: Organic producers and marketers; exemption from assessments for research and promotion activities

Docket Id: 0581-AC15

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Comments Due: June 25, 2004

Phase: PROPOSED RULES

How To Comment:

received
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Interested persons are invited to submit written comments concerning this proposed rule to Angela C. Snyder, Office of the Deputy Administrator, Poultry Programs, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., STOP 0256, Room 3932-South, Washington, DC 20250. Comments should be submitted in duplicate. Comments may also be submitted electronically to: organicasessment@usda.gov or <http://www.regulations.gov>. All comments should reference the docket number and the date and page number of this issue of the Federal Register. All comments received will be made available for public inspection at Poultry Programs, AMS, USDA, Room 3932-South, 1400 Independence Avenue, SW., Washington, DC 20250 during regular business hours. A copy of the proposed rule may be found at: <http://www.ams.usda.gov/2002farmbill/organicexempt>. Pursuant to the Paperwork Reduction Act (PRA), send comments regarding the accuracy of the burden estimate, ways to minimize the burden, including the use of automated collection techniques or other forms of information technology, or any other aspect of this collection of information to the above address. Comments concerning the information collection under the PRA should also be sent to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

Your comment has been sent. To verify that this agency has received your comment, please contact the agency directly. If you wish to retain a copy of your comment, print out a copy of this document for your files.

Please note your REGULATIONS.GOV number.

Regulations.gov #: EREG - 3

Date Submitted: Jun 25, 2004

Comment

Docket Number PY-02-006 Federal Register of April 26, 2004, Page 22690 Submitted on behalf of: National Honey Board 390 Lashley Street Longmont, CO 80501-6045 The Board respectfully requests that the following revisions to the proposed rule (and Honey Research, Promotion and Consumer Information Act) be reviewed and implemented: 1240.20 (a) Add a definition for ? organic producer? ? a person who produces and markets solely 100 percent organic products and does not produce any non-organic or conventional products as defined under 7 U.S.C. 6502 Sec. 2103. Define ?produce? as stated in the amendment and supplemental information for the purposes of organic production 1240.42 (c) Do not revise the language ?under this section? as currently proposed, to ?paragraphs (a) and (b)? The new paragraph(s) (d) and (e) should be included since a certified organic producer/producer-packer/importer may lose certification during a year or handle, process or import non-organic products during an exempted year for which they should then be liable to notify and pay assessments to the Board. (d) Modify last sentence (A

person is a producer, first-handler, or producer-packer.); this should not include "first handler" as a "person." First handlers (unless they are also producers and as such are producer-packers) are not subject to assessments under the Order and therefore do not qualify for organic exemption. (e) Remove this item. Why itemize importers in this separate paragraph? Suggest you add "importer" to item (d) above? they still have to meet the definitional and functional criteria as explained in the supplemental information. 1240.114 (a) Modify - Since many of the organic producers are likely to be already exempt for de minimis reasons and since entities exempt by virtue of size do not have to apply for exemption under the current honey Order, add to the first sentence "Unless already exempt pursuant to 1240.42 (a) or (b), to obtain a Certificate of Exemption for organic honey?" Also, application request language does not include required components including company name and address, phone, fax? these should be added to the text. (c) Modify - Since producers of organic honey may also sell to producer-packers, importers and exporters, the requirement to provide Certificate documentation to these entities should also be itemized (unless the word "handler" is considered to cover all these cases) (d) Modify - Application request language from an importer does not include required components including applicant name, company name and address, phone, fax? these should be added to the text. Also, by what process does the Board issue an HTS classification to the importer (doesn't U.S. Customs maintain the classifications? likely there would be one HTS for any organic honey importer to use?) 1240.115 (c)(1) Add the phrase "or is exempt pursuant to 1240.42" at the end of the sentence. (c)(i) Change to "Such producer-packer is exempt pursuant to 1240.42 and 1240.114." 1240.120, 1240.121, 1240.122 all need to be updated with the word "producers" in each case where "first handlers, producer-packers, importers or any person who receives and exemption?" appears. In the 1998 amendments to the Act (Sec. 9), producers became subject to reporting and recordkeeping requirements. Finally, the Board requests that the USDA amend the current Organic Rule to include the apicultural standards as proposed by the honey industry in 2001. It was the industry's understanding that apiculture standards were to be promulgated within 18 months of Organic Rule publication. It is unclear how current regulations and certification are fairly and correctly applied to honey by the Department without specific guidelines that apply to apiculture. Questions regarding this Comment may be directed to: Julia Pirnack Executive Vice President National Honey Board julia@nhb.org (303) 776-2337